

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR.

S.B. CIVIL WRIT PETITION NO.3174/2002

Harbans Singh. vs. Union of India & ors.

Date : 4.1.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. N.L. Joshi, for the petitioner.

Mr. V.K. Mathur, for the respondents.

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Heard learned counsel for the parties.

The petitioner is aggrieved against the action of the respondents taken on the basis of communication dated 16.10.2001 by which an order was passed conveying that the petitioner's application for reference under Section 18 of the Land Acquisition Act, 1894 (for short the "Act of 1894") was submitted on 9.6.2000 and since it was barred by time, therefore, earlier no order was passed making reference to the Civil Court in the matter of acquisition of land. This communication is dated 16.10.2001. According to learned counsel for the petitioner, the petitioner's application was, therefore, rejected by the authorities holding it as barred by time under Proviso (b) to Section 18 of the Act of 1894.

Brief facts of the case are that the Land Acquisition Officer passed the award on 9.7.1993. It appears from the record that the Land Acquisition Officer had received the approval of the award by the State Government and this fact was recorded in the order dated 4.4.1994 by the Land Acquisition Officer. The petitioner submitted application under Section 18 for making reference before the Land Acquisition Officer on 9.6.2000 after more than six years. Apparently, the application was barred by time. Not only this, there is no force in the submission of the learned counsel for the petitioner that the petitioner was served with a notice under Section 12(2) of the Act of 1894 only on 7.6.2000, a copy of which is placed by the petitioner along with one application seeking permission to produce copy of notice dated 7.6.2000. Notice dated 7.6.2000 is only a letter informing the petitioner that his application was rejected on 26.6.1999. By this letter, the petitioner was informed that the compensation amount for the land has already been deposited and he may take the same. This is not a notice under Section 12(2) of the Act of 1894.

The writ petition further deserves to be dismissed because of the fact that the petitioner did not disclose that the State's approval for award was received by the Land Acquisition Officer in the year 1994 and the petitioner came out with an absolutely

false case that the State has not passed any approval order for the award.

In view of the above discussion, I do not find any merit in this writ petition and the same is hereby dismissed.

Record of the case be sent to the concerned department forthwith.

(PRAKASH TATIA), J.

S.Phophaliya